

REMARKS/ARGUMENTS

A request for reconsideration is made herein. Claims 1, 3-27, and 30-44 are pending in this application.

Rejections Under 35 U.S.C., §102

Claims 1, 3-4, 6-9, 11, 13, 37-40, and 44 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Fan*. (U.S. Patent 6,310,692).

The Examiner has asserted that *Fan, et al.* anticipates limitations of claims 1, 3-4, 6-9, 11, 13, 37-40, and 44. However, Applicants traverse this rejection and note that the Examiner has not provided a *prima facie* case of anticipation. In order to provide a *prima facie* case of anticipation, the Examiner must provide: (1) a single reference, (2) that teaches or enables, (3) each of the claimed elements (arranged as in the claim), (4) expressly or inherently, and (5) as interpreted by one of ordinary skill in the art. Here there is not a single reference that teaches or enables the following claim limitation of a "consumable component consolidation program operative to monitor the plurality of computer peripheral devices to identify at least a need to replenish a consumable component or perform maintenance for each of the plurality of the computer peripheral devices, and then notify a maintainer of the identified need by rendering instructions that are sent to the maintainer at the personal computer". *Fan, et al.* also does not teach or enable "...the consolidation program being operative to deliver to the maintainer a consolidated e-mail regarding at least the need to replenish the consumable component or perform maintenance for a selected group of computer peripheral devices among the plurality of the computer peripheral devices." Nowhere is the consolidated e-mail concept of claim 1 taught or enabled by *Fan, et al.*, particularly as recited at col. 4, lines 30-34 and 49-62, as asserted by the Examiner.

Applicants assert that a *prima facie* case of anticipation has not been presented herein. Accordingly, Applicants assert that such claims are allowable and that the Examiner is faced with the burden of providing an appropriate rejection via a single reference that teaches or enables each of the claimed elements expressly or inherently as interpreted by one of ordinary skill in

the art. Barring such showing, the present claims indicated above are believed to be allowable. Accordingly, action to that end is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 5, 10, 14-18, 22, and 41-43 stand rejected as being anticipated by *Fan* in view of *LoBiondo, et al.* (U.S. Patent No. 5,305,199). Claims 5 and 10, 14-18, 22, and 41-43 remain rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,310,692 issued to *Fan, et al.* in view of U.S. Patent No. 5,305,199 issued to *LoBiondo, et al.* Claim 12 remains rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,310,692 issued to *Fan, et al.* in view of U.S. Patent 6,490,052 issued to *Yanagidaira*. Claims 19-21 remain rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,310,692 issued to *Fan, et al.* in view of U.S. Patent No. 5,305,199 issued to *LoBiondo, et al.* and further in view of U.S. Publication No. 2001/00334658 to *Silva, et al.* Claims 23-27, 30-33 and 35-36 stand rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,310,692 issued to *Fan, et al.* in view of U.S. Patent No. 5,305,199 issued to *LoBiondo, et al.* and further in view of U.S. Publication No. 2001/00334658 to *Silva, et al.* Furthermore, claim 34 stands rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,310,692 issued to *Fan, et al.* in view of U.S. Patent No. 5,305,199 issued to *LoBiondo, et al.* and further in view of U.S. Publication No. 2001/00334658 to *Silva, et al.* and further in view of U.S. Patent No. 6,490,052 issued to *Yanagidaira*.

Applicants traverse the above rejections since a *prima facie* case of obviousness has not been established by the Examiner. In order for the Examiner to make a *prima facie* case of obviousness, the Examiner must provide: (1) one or more references (2) that were available to the inventor, and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Here, *Fan, et al.* does not teach a suggestion to combine or modify the references to make the claimed invention obvious with respect to the provision of "...the consolidation program being operative to deliver to the maintainer a consolidated

e-mail regarding at least the need to replenish the consumable component or perform maintenance for a selected group of computer peripheral devices among the plurality of the computer peripheral devices". Such limitation is recited in independent claim 1. A similar limitation is recited with respect to remaining independent claims 14, 23 and 37. For example, independent claim 14 calls for "instructions including a consolidated message to order consumables for a selected group of computer peripheral devices from among the plurality of computer peripheral devices...". Independent claim 23 recites "...the instructions including a consolidated message to order consumables for a select group of computer peripheral devices from among the plurality of unique computer peripheral devices". Independent claim 37 recites "...instructions including a consolidated message to order consumables for a select group of computer peripheral devices from among the plurality of computer peripheral devices". Nowhere do the present references (including *Fan, et al.*) teach a suggestion to combine or modify the references to make the claimed invention obvious.

Here, the Examiner has not presented a *prima facie* case of obviousness as *Fan, et al.* lacks a showing of the previously recited limitation for a consolidated e-mail or instructions with a consolidated message. Such limitation is not taught or suggested by *Fan, et al.*, particularly at col. 4, lines 30-34 and 49-62.

Accordingly, Applicants respectfully request reconsideration as a *prima facie* case of obviousness has not been presented by the Examiner. The present claims indicated above are believed to be allowable. Accordingly, action to that end is respectfully requested.

CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

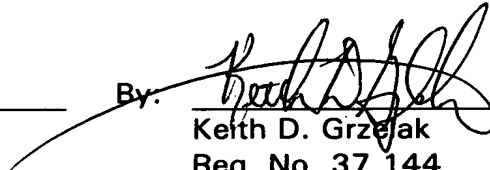
Respectfully submitted,

Robert E. Haines, et al., Inventors

Date: _____

10/04/04

By: _____


Keith D. Grzejak
Reg. No. 37,144

(509) 624-4276